

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

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GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as either low priority or stale. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases that, due to the length of their pendency in inactive status, or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all of these cases be closed.¹ The attachments to this report

¹ These cases are: P-MUR 385 (*Phillip R. Davis*);
Roberts for Congress); RR 00L-08 (*Next Generation*);

MUR 5016 (*Larry Graham for Congress*);

Vickers);

MUR 5053 (*Dooley for Congress*) MUR 5056 (*Citizens for*

RR 00L-05 (*Walt*

21-04-405-0157

contain a factual summary of each of the cases recommended for closing, the case EPS rating, the factors leading to the assignment of a low priority, and our recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases which, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

Continued from page 1.

MUR 5087 (*SC Education Television*);

MUR 5091 (*Committee to Elect Buchanan*);

MUR 5104 (*Hoosiers for Roemer*);

MUR 5110 (*KBHK -*

MUR 5105 (*Clinesmith for Congress*);

Media Matter); MUR 5113 (*American Legion Department of Connecticut*);

MUR 5118 (*Aristotle International, Inc.*); MUR 5120 (*Hillary Rodham Clinton*); MUR 5126

(*Ross for Congress*); MUR 5134 (*Chocola for Congress*);

MUR 5142 (*Lazio 2000*);

MUR 5148 (*Nebraska*

Republican State Committee);

MUR

5162 (*American Broadcasting Co. - Media Matter*).

Attached to this report is a factual summary of the complaint recommended for closing and the EPS rating for the matter.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 385
RR 00L-08

RR 00L-05

21-04-405-0159

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5016
MUR 5053

MUR 5056

MUR 5091

MUR 5087


MUR 5126
MUR 5142

MUR 5104
MUR 5110
MUR 5118
MUR 5134

MUR 5105
MUR 5113
MUR 5120

MUR 5148
MUR 5162

3/1/01
Date


Lois G. Lerner
Acting General Counsel

21-04-105-0160

MUR 5053
DOOLEY FOR CONGRESS

The National Republican Congressional Committee, by and through Donald F. McGahn, II, alleged that Dooley for Congress (the "Committee") accepted a \$10,000 contribution from HCC Properties, Ltd., and that contribution was a prohibited corporate contribution. A supplemental complaint was filed adding knowing and willful element to the allegations.

The Committee responded that it understood HHC Properties, Ltd., to be a limited partnership. The Committee stated that the contribution was returned once the propriety of the contribution was raised and that the contribution was properly reported. The Committee also stated that the complaint was a "campaign tactic" employed by Rodriguez for Congress.

HHC Properties, Ltd. responded that it is a California limited partnership formed for the purpose of supporting the Dooley campaign by earmarking contributions from its owner/partners.

This matter is less significant relative to other matters pending before the Commission.

21-04-405-016
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